IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7042 of 2007

Tulshidas P. Shah & ors. .. Petitioners

versus

The State of Maharashtra & ors. .. Respondents

...

Mr.C.G. Gavnekar for the petitioner.

Mr.C.R. Sonawane, AGP for the respondents

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 24th September 2007

P.C.:

. Heard. Rule. Returnable forthwith. With the consent of the parties, taken up for hearing.

2. The petitioners have approached this Court seeking a direction that the land reference filed by the petitioners under section 28 of the Land Acquisition Act, 1894 (for short "the said Act") may be directed to be disposed of within a stipulated

time by the Land Acquisition Officer, relying upon the judgement and award passed in L.A.R.Nos. 45 of 1991 to 48 of 1991 and 90 of 1991 to 93 of 1991 and to make payment of the compensation accordingly. Mr.C.R. Sonawane, the learned Assistant Government Pleader for the respondents states that he has no objection if such directions are given to the Land Acquisition Officer to decide the land reference filed by the petitioners under section 28 of the said Act within a stipulated period. We asked the learned counsel for the petitioners as to whether the awards and the decrees passed in L.A.R.Nos.45 of 1991 to 48 of 1991 and 90 of 1991 to 93 of 1991 have attained finality and/or whether the Government has acquiesced the said award. The learned counsel expressed his inability to make a statement in respect of finality being obtained by the said award. He, however, submitted that relying upon the said award in some other matters, the Land Acquisition Officer has calculated the compensation under section 28 and made the payments. Be that as it may, what we find is that this Writ Petition can be disposed by issuing the following directions.

3. The Land Acquisition Officer is directed to disposed of the application filed by the petitioners under section 28 of the Land Acquisition Act, 1894,

within a period of three months in accordance with law, if the L.A.R. awards upon which the petitioners rely have attained finality and/or the Government has acquiesced the said award. We further direct that in case the Appeal as against the L.A.R. Nos.45 of 1991 to 48 of 1991 and 90 of 1991 to 93 of 1991 is pending and/or if the award passed under the land reference is not acquiesced by the Government, then the Land Acquisition Officer shall dispose of the application of the petitioners under section 28 within a period of three months after the disposal of the First Appeal preferred against the L.A.R.Nos.45 of 1991 to 48 of 1991 and 90 of 1991 to 93 of 1991 and/or on acquiescence of the said award by the Government, whichever event occurs earlier.

4. With the above directions, the Writ Petition is disposed of.

(D.G.KARNIK, J) (S.B. MHASE,J)